IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Asha Vs. State of Rajasthan

S.B.CR.MISC. SECOND BAIL APPL.NO.4044/2006

DATE OF ORDER :: October 16, 2006

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.Vijay Purohit, for the petitioner.
Mr. Ashok Upadhyaya, P.P.

BY THE COURT:

This is second bail application.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Carefully gone through the material available on record.

After rejecting the earlier bail application, the prosecution has examined as many as twenty seven witnesses. While rejecting the first bail application, it was noticed that there are statements of three witnesses viz. Lalit, Virendra and Smt. Durga recorded under section 161 Cr.P.C. These three witnesses have been examined as PW.27, PW.12, and PW.26 respectively.

Witnesses Lalit Kumar and Virendra have turned hostile and do not support the prosecution case and PW.26 Smt. Durga stated that she has not seen any girl burning rubbish. Thus, all the three witnesses have not supported the prosecution case.

Having regard to the facts and circumstances of the case and the fact that the witnesses have not supported the prosecution case, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Asha d/o Mithalal Agrawal be released on bail in FIR No.07/2006, Police Station Hiranmagri, Distt. Udaipur provided she furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for her appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-